

RESOLUTION NO. 22-97

**RESOLUTION OF THE BOARD OF DIRECTORS OF TIMBERLAKE PINES COUNTY ROAD IMPROVEMENT DISTRICT OF NAVAJO COUNTY, ARIZONA, AUTHORIZING THE CONDEMNATION ON BEHALF OF THE DISTRICT OF CERTAIN REAL PROPERTY AND/OR REAL PROPERTY INTERESTS IN CONNECTION WITH THE IMPROVEMENT OF CERTAIN STREETS WITHIN THE DISTRICT**

**WHEREAS**, on March 10, 1997, the Board of Directors of Timberlake Pines County Road Improvement District of Navajo County, Arizona (the "District"), passed and adopted Resolution No 21-97, authorizing the construction of improvements to certain streets within the District by the grading and otherwise improving of such streets to Navajo County gravel road standards and providing for drainage improvements, culvert installations, major outlet riprap protection, and channel protection (collectively, the "Work");

**WHEREAS**, the Work requires the acquisition by the District of certain real property and real property interests, including (i) the acquisition in fee of certain real property as described on Exhibit A attached hereto (the "Condemned Properties") and (ii) the acquisition of certain related temporary rights-of-entry and/or construction easements over associated real property as described on Exhibit B attached hereto (the "Right-of-Entry Properties"), together with all appurtenances thereto;

**WHEREAS**, it is deemed essential to the public use that said real property and/or real property interests be acquired under the power of eminent domain; and

**THEREFORE**, be it resolved by the Board of Directors of the District as follows:

1. By virtue of the authority vested in A.R.S. §§ 12-1111 and 48-909, and amendments thereto, the Board of Directors of the District hereby authorizes and directs Gust Rosenfeld P.L.C. to commence and conduct, in the name of the District, any and all proceedings necessary for the District's condemnation of such real property and/or real property interests through the power of eminent domain as necessary for the full and timely completion of the Work, including, without limitation, the acquisition of the Condemned Properties and the temporary use for construction purposes over the Right-of-Entry Properties. The District is authorized to acquire such title reports and appraisals as are necessary to complete the acquisition of the Condemned Properties and the Right-of-Entry Properties.

2. That all officers and directors of this District be and hereby are authorized to sign and verify such documents, including legal filings, and take all action as necessary to prosecute the condemnation of such real property and/or real property interests pursuant to this Resolution.

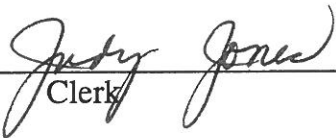
3. That no settlement amount, purchase price, judicial determination or stipulation or agreement of purchase shall be binding upon the District until the District's Board of Directors, by adoption of an appropriate resolution, approve such figure, purchase price, judicial determination on stipulation or agreement to purchase.

4. The County Treasurer, ex officio treasurer, is authorized to pay such deposit of such monies and/or provide such bonds pursuant to A.R.S. § 12-1116 as are required by the Superior Court of Navajo County in order to permit the District's taking of immediate possession of the Condemned Properties and of the Right-of-Entry Properties.

PASSED, ADOPTED AND APPROVED by the Board of Directors of Timberlake Pines County Road Improvement District of Navajo County, Arizona, on the 10th day of March, 1997.

  
Chairman

ATTEST:

  
Clerk

CERTIFICATE

I hereby certify that the above and foregoing Resolution was duly passed by the Board of Directors of Timberlake Pines County Road Improvement District of Navajo County, Arizona, at a regular meeting held on March 10, 1997, and that a quorum was present thereat and that the vote thereon was 3 ayes and 0 nays; 2 were no vote or absent.

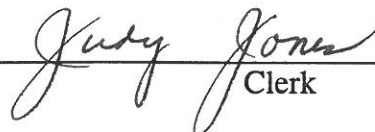
  
Clerk

EXHIBIT "A"

Condemned Properties

parcelno ~ owner ~ staddr ~ citystzip ~ subdiv ~ unit ~ lot ~ legal ~ ~

206-03-205A

Eloise Northern, Trustees

7150 W. Tamarisk Avenue

Phoenix, AZ 85043

Timberlake Pines

7

205 and 206

describing a portion of Lot 205 Timberlake Pines Unit 7 as recorded in Book 10 page 27 of Plats all in Section 19 Township 12 North, Range 17 East of the Gila and Salt River Meridian, Navajo County, Arizona. More accurately described as follows: Beginning at the Northwest corner of Lot 205 which is at the intersection of Aspen Lane and Rendezvous. Thence North  $89^{\circ}42'29''$  East 46.00 feet. Thence South  $00^{\circ}17'31''$  East 68.00 feet. Thence North  $19^{\circ}25'53''$  West 32.40 feet. Thence South  $61^{\circ}48'00''$  West 95.00 feet to a point of curve on the East right-of-way of Aspen Lane. Thence Northeasterly along a curve to the left having a central angle of  $62^{\circ}05'31''$ , a Radius of 92.62 feet, a length of 100.37 to the **"Point of Beginning."** Containing 2775 sq. feet; basis of bearing: the North line of Lot 205 bearing of North  $89^{\circ}42'29''$  East.

206-03-132

Robert Leroy & Carol Ann Hill

1201 W. Roney

Phoenix, AZ 85013

Timberlake Pines

7

132

describing a portion of Lot 132 Timberlake Pines Unit 7 as recorded in Book 10 page 27 of Plats all in Section 19 Township 12 North, Range 17 East of the Gila and Salt River Meridian, Navajo County, Arizona. More accurately described as follows: Beginning at the Northwest corner of Lot 132 which is a point at the intersection of Starlite and Rendezvous. Thence North  $89^{\circ}42'29''$  East 100.00 feet to the northeast corner of Lot 132. Thence South  $79^{\circ}30'15''$  West 101.61 feet to the west property line of Lot 132. Thence North  $00^{\circ}17'31''$  West 18.00 feet to the **"Point of Beginning."**; containing 893 sq. feet; basis of bearing: the North line of Lot 132 bearing North  $89^{\circ}42'29''$  East.

206-03-169

Mark S. & Gloria I. Hernandez

1143 E. Liberty Shores

Gilbert, AZ 85234

Timberlake Pines

7

169

describing a portion of Lot 169 Timberlake Pines Unit 7 as recorded in Book 10 page 27 of Plats all in Section 19 Township 12 North, Range 17 East of the Gila and Salt River Meridian, Navajo County, Arizona. More accurately described as follows: Beginning at the Southeast corner of Lot 169 which is a point of curve at the intersection of Aspen Lane and Rendezvous. Thence Southeasterly along a curve to the left having a central angle of  $32^{\circ}56'11''$ , Radius of 42.62 feet, a length of 24.50 feet to a point. Thence North  $29^{\circ}28'03''$  West 39.97 feet to a point on the South right-of-way line of Zane Grey Trail. Thence South  $54^{\circ}24'19''$  East 20.00 feet along South right-of-way of Zane Grey Trail. Thence North  $89^{\circ}42'29''$  East 10.13 feet to the "**Point of Beginning.**"; containing 274 sq. feet; basis of bearing: the Northeast line of Lot 169 bearing South  $54^{\circ}24'19''$  East

206-05-111

Janet L. Amicarella

2726 N. 21st Street

Phoenix, AZ 85006

Timberlake Pines

2

111

describing a portion of Lot 111 of Timberlake Pines Unit 2 as recorded in Book 9 page 19 all in Section 19 Township 12 North, Range 17 East of the Gila and Salt River Meridian, Navajo County, Arizona. More precisely described as follows: Beginning at the Southwest corner of said Lot 111 where the existing North right-of-way of Enchanted Forest meets the East right-of-way of Pine Rim Drive North. Thence North  $00^{\circ}17'31''$  West 91.75 feet to a point on the East right-of-way of Pine Rim Drive North. Thence North  $89^{\circ}42'29''$  East 94.87 feet to the North right-of-way of Enchanted Forest. Thence South  $45^{\circ}39'58''$  West 131.98 feet to the "**Point of Beginning.**"; containing 0.10 Acres M/L; basis of bearing: The center line of Enchanted Forest per plat

206-34-001D

H H & K Limited Partnership

Route 1, Box 463 H

Lakeside, AZ 85929

Describing the West 25 feet of that portion of Section 20, Township 12 North, Range 17 East of the Gila and Salt River Base and Meridian, Navajo County, Arizona, described as

follows: Commencing at the Northwest corner of said Section 20; thence South  $0^{\circ}12'57''$  East (an assumed bearing) along the West line of said Section 20, for a distance of 659.17 feet to the Northwest corner of the South half of the Northwest quarter of the Northwest quarter of said Section 20 and the True Point of Beginning; thence South  $89^{\circ}49'58''$  East along the North line of said South half of the Northwest quarter of the Northwest quarter of Section 20 a distance of 1323.98 feet to the Northeast corner of the South half of the Northwest quarter of the Northwest quarter of said Section 20; thence North  $0^{\circ}11'38''$  West along the West line of the Northeast quarter of the Northwest quarter of said Section 20, for a distance of 658.41 feet to the Northwest corner of the Northeast quarter of the Northwest quarter of said Section 20; thence South  $89^{\circ}48'00''$  East along the North line of said Section 20 for a distance of 662.13 feet to the Northeast corner of the West half of the Northeast quarter of the Northwest quarter of said Section 20; thence South  $0^{\circ}10'54''$  East along the East line of the said West half of the Northeast quarter of the Northwest quarter of Section 20 for a distance of 1316.06 feet to the Southeast corner of said West half of the Northeast quarter of the Northwest quarter of Section 20; thence North  $89^{\circ}51'55''$  West along the South line of the South half of the North half of the Northwest quarter of said Section 20 a distance of 1985.58 feet to the Southwest corner of the Northwest quarter of the Northwest quarter of said Section 20; thence North  $0^{\circ}12'57''$  West along said West line of Section 20 for a distance of 659.16 feet to the True Point of Beginning; (containing 40.03 acres more or less)

EXCEPT all oil, gas and other minerals as conveyed in instrument recorded in Docket 312, page 657.

206-34-003  
Beverly Sue Robinson  
10 Gloria Drive  
Allendale, NJ 07401

The West 25 feet of that portion of Section 20, Township 12 North, Range 17 East of the Gila and Salt River Base and Meridian, Navajo County, Arizona, described as follows: BEGINNING at the West quarter corner of said Section 20; thence North  $0^{\circ}12'57''$  West along the West line of said Section 20, a distance of 626.22 feet; thence South  $89^{\circ}55'18''$  East, a distance of 662.27 feet to the East line of the Southwest quarter of the Southwest quarter of the Northwest quarter of said Section 20; thence South  $0^{\circ}13'12''$  East along said East line a distance of 483.63 feet to the point on the centerline of Arizona State Highway 277; thence South  $63^{\circ}00'27''$  West along said center line a distance of 277.96 feet to the beginning of a curve concave to the Southeast, the center of which bears South  $26^{\circ}59'33''$  East, a distance of 4910.46 feet; thence Southwesterly along the arc of said curve a distance of 476.00 feet to the West line of said Section 20; thence North  $0^{\circ}15'27''$  West along said West line a distance of 220.78 feet to the true point of beginning;

EXHIBIT "B"

Right of Way Entry Properties

parcelno ~ owner ~ staddr ~ citystzip ~ subdiv ~ unit ~ lot ~ legal ~ ~

206-05-111

Granville Coleman  
4229 N. 42nd Street  
Phoenix, AZ 85018  
Timberlake Pines

2

110

the easterly fifteen feet (15'), adjacent to the westerly right-of-way line of Enchanted Forest Drive, of Lot No. 110 located in Timberlake Pines Unit Number 2, as recorded in Book 9 of Plats, Page 19, Recorder of Navajo County, Arizona

206-03-029

Floyd & Evelyn Ickes  
4534 W. Solano Drive South  
Glendale, AZ 85301  
Timberlake Pines

7

29

the easterly ten (10'), adjacent to the westerly right-of-way line of Winchester Road, of Lot No. 29 located in Timberlake Pines Unit Number 5, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-03-144

Joseph L. and M. Jean Winfrey  
P.O. Box 621  
Heber, AZ 85928  
Timberlake Pines

7

144

the southerly fifteen feet (15'), adjacent to the northerly right-of-way line of Zane Grey Trail, of Lot No. 144 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-03-175

Dennis A. & Bonnie J. Hipskind

3443 E. Friess Drive

Phoenix, AZ 85032

Timberlake Pines

7

175

the southerly fifteen feet (15'), adjacent to the northerly right-of-way line of Aspen Lane, of Lot No. 175 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-03-176

William Gilkey

3516 N. 36th Street

Phoenix, AZ 85018

Timberlake Pines

7

176

the southerly fifteen feet (15'), adjacent to the northerly right-of-way line of Aspen Lane, of Lot No. 176 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-03-177

Richard Fleming

2650 W. Union Hills Drive, #327

Phoenix, AZ 85027

Timberlake Pines

7

177

the southerly fifteen feet (15'), adjacent to the northerly right-of-way line of Aspen Lane, of Lot No. 177 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-03-178

Emeliano O. & Amelia Gomez

Box 71

Oracle, AZ 85623

Timberlake Pines

7

178

the southerly fifteen feet (15'), adjacent to the northerly right-of-way line of Aspen Lane, of Lot No. 178 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-03-179

Jane E. Haler, Trustee  
201 W. Orchid Lane  
Chandler, AZ 85224  
Timberlake Pines

7

179

the southerly fifteen feet (15'), adjacent to the northerly right-of-way line of Aspen Lane, of Lot No. 179 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-03-180

Jane E. Haler, Trustee  
201 W. Orchid Lane  
Chandler, AZ 95224  
Timberlake Pines

7

180

the southerly fifteen feet (15'), adjacent to the northerly right-of-way line of Aspen Lane, of Lot No. 180 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-03-181

William D. & Barbara J. Sheerin  
15841 N. 35th Place  
Phoenix, AZ 85032  
Timberlake Pines

7

181

the southerly fifteen feet (15'), adjacent to the northerly right-of-way line of Aspen Lane, of Lot No. 181 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona



206-03-182

Alfred F. & Mary E. Huizar

1293 W. Indigo Drive

Chandler, AZ 85248

Timberlake Pines

7

182

the southerly fifteen feet (15'), adjacent to the northerly right-of-way line of Aspen Lane, of Lot No. 182 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-03-183

Donald E. & Frankie M. Coffman

4436 W. Osborn Road

Phoenix, AZ 85031

Timberlake Pines

7

183

the southerly fifteen feet (15'), adjacent to the northerly right-of-way line of Aspen Lane, of Lot No. 183 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-03-184

Joseph D. & N. Ruth Parker

4840 W. Glenrosa

Phoenix, AZ 85031

Timberlake Pines

7

184

the southerly fifteen feet (15'), adjacent to the northerly right-of-way line of Aspen Lane, of Lot No. 184 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-03-287-A

Frankie L. Stevens

4529 W. Weldon Avenue

Phoenix, AZ 85031

Timberlake Pines

7

287 & 288

the southerly fifteen feet (15'), adjacent to the northerly right-of-way line of Stagg Run, of Lot No. 287 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-05-012

Frank C. & Mary A. Walczak  
Box 46  
Overgaard, AZ 85933  
Timberlake Pines

2

12

the southerly ten feet (10'), adjacent to the northerly right-of-way line of Shadow Pines Drive, of Lot No. 12 located in Timberlake Pines Unit Number 2, as recorded in Book 9 of Plats, Page 19, Recorder of Navajo County, Arizona

206-05-108

Ronald E. & Rosalie K. Craven  
5726 W. Pierson Street  
Phoenix, AZ 85031  
Timberlake Pines

2

108

the easterly ten feet (10'), adjacent to the westerly right-of-way line of Enchanted Forest Drive, of Lot No. 108 located in Timberlake Pines Unit Number 2, as recorded in Book 9 of Plats, Page 19, Recorder of Navajo County, Arizona

206-05-109

Elmer I. & Janet Yarnal  
12041 N. 30th Street  
Phoenix, AZ 85028  
Timberlake Pines

2

109

the easterly ten (10'), adjacent to the westerly right-of-way line of Enchanted Forest Drive, of Lot No. 109 located in Timberlake Pines Unit Number 2, as recorded in Book 9 of Plats, Page 19, Recorder of Navajo County, Arizona

206-05-111

Janet L. Amicarella  
2726 N. 21st Street  
Phoenix, AZ 85006  
Timberlake Pines

2

111

the westerly fifteen feet (15'), adjacent to the easterly right-of-way line of Pine Rim Drive, of Lot No. 111 located in Timberlake Pines Unit Number 2, as recorded in Book 9 of Plats, Page 19, Recorder of Navajo County, Arizona and the easterly fifteen feet (15'), adjacent to the westerly right-of-way line of Enchanted Forest Drive, of Lot No. 111 located in Timberlake Pines Unit Number 2, as recorded in Book 9 of Plats, Page 19, Recorder of Navajo County, Arizona

206-05-105

James R. & Mary L. Hayes  
7435 W. Krall  
Glendale, AZ 85303  
Timberlake Pines

2

105

the northerly ten feet (10'), adjacent to the southerly right-of-way line of Shadow Pines Drive, of Lot No. 105 located in Timberlake Pines Unit Number 2, as recorded in Book 9 of Plats, Page 19, Recorder of Navajo County, Arizona

206-05-021A

Alfred & Charlotte Delgado  
216 E. Broadway  
Phoenix, AZ 85040  
Timberlake Pines

2

21

the southerly ten feet (10'), adjacent to the northerly right-of-way line of Shadow Pines Drive, of the East half of Lot No. 21 located in Timberlake Pines Unit Number 2, as recorded in Book 9 of Plats, Page 19, Recorder of Navajo County, Arizona

206-05-079

Raymond M. & Laurel L. Green;  
Brian S. & Martha S. Green; Marian G. Anderson  
2151 E. Lynwood Street

Mesa, AZ 85213

Timberlake Pines

2

79

the easterly eighteen feet (18'), adjacent to the westerly right-of-way line of Green Forest Drive, of Lot No. 79 located in Timberlake Pines Unit Number 2, as recorded in Book 9 of Plats, Page 19, Recorder of Navajo County, Arizona

206-05-080

Joann L. Lubonovich;

Paulette Hendrickson

4143 W. Cherry Lynn

Phoenix, AZ 85019

Timberlake Pines

2

80

the easterly eighteen feet (18'), adjacent to the westerly right-of-way line of Green Forest Drive, of Lot No. 80 located in Timberlake Pines Unit Number 2, as recorded in Book 9 of Plats, Page 19, Recorder of Navajo County, Arizona

206-05-081

Robert S. & Gwendolyn Hoiseck

12436 W. Toreador Dr.

Sun City West, AZ 85375

Timberlake Pines

2

81

the easterly eighteen feet (18'), adjacent to the westerly right-of-way line of Green Forest Drive, of Lot No. 81 located in Timberlake Pines Unit Number 2, as recorded in Book 9 of Plats, Page 19, Recorder of Navajo County, Arizona

206-08-012

Mitchel E & Patricia Burke

17802 N. 42nd Avenue

Glendale, AZ 85308

Timberlake Pines

6

12

the southerly fifteen (15'), adjacent to the northerly right-of-way line of Pine Rim Drive, of Lot No. 12 located in Timberlake Pines Unit Number 6, as recorded in Book 9 of Plats, Page 40, Recorder of Navajo County, Arizona

206-03-101

Larry Dean Hink  
1233 E. Bell Road  
Phoenix, AZ 85022  
Timberlake Pines  
7

101

the southerly ten (10'), adjacent to the northerly right-of-way line of Broken Arrow Road, of Lot No. 101 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-03-102

David S. Barraza, Jr.  
1013 S. Morris  
Mesa, AZ 85202  
Timberlake Pines  
7

102

the southerly ten (10'), adjacent to the northerly right-of-way line of Broken Arrow Road, of Lot No. 102 located in Timberlake Pines Unit Number 7, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona

206-13-029 & 030

Floyd & Evelyn Ickes  
4534 W. Solano Drive South  
Glendale, AZ 85301  
Timberlake Pines

5

30

the easterly ten (10'), adjacent to the westerly right-of-way line of Winchester Road, of Lots No. 29 & No. 30 located in Timberlake Pines Unit Number 5, as recorded in Book 10 of Plats, Page 27, Recorder of Navajo County, Arizona